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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/675,808	09/30/2003	Thomas Solderits	BP-87	2226								
7590 Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017		10/16/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">LAO, LUN S</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2615</td><td></td></tr></table>		EXAMINER		LAO, LUN S		ART UNIT	PAPER NUMBER	2615	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,808

Applicant(s)

SOLDERITS, THOMAS

Examiner

Lun-See Lao

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-6,8 and 9 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08-06-2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Introduction*

1. This action is response to the amendment filed 08-06-2007. Claims 1 and 5 have been amended, claims 3 and 7 have been cancelled and claim 9 has been added. Claims 1-2, 4-6 and 8-9 are pending.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the disconnecting step includes destroying the passive components with a laser beam directed through openings in the housing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Killion (US PAT. 6,151,399).

Consider claim 9 Killion teaches that a microphone having a sensitivity stipulated within narrow limits, comprising:

a microphone capsule (reads on cartridge (30,20) in fig. 5);

an amplifier (160 in fig.5); and

a network of passive components (61A-61E) allocated to the amplifier, at least one of the passive components being disconnected, wherein the network of passive components and the amplifier are mounted on a single circuit board (see figs.4A, 5 and see col. 8 line 10-55).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4 -6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killion (US PAT. 6,151,399).

Consider claim 1 Killion teaches that a method for producing a microphone with a stipulated sensitivity within narrow limits, the microphone having a microcapsule (see fig.5 (20,30 microphone cartridge)) and an amplifier (160) mounted in a housing (see fig. 4A), the method comprising the steps of:

providing the amplifier (160 in fig. 5) with a network of passive components (61A-61E); measuring the sensitivity of the microphone (20,30); and disconnecting (by selector) the passive components to alter amplification of the amplifier so that the sensitivity of the microphone lies within a the desired range (see figs 4A, 5 and col. 8 line 10-55); but Killion fails to teaches the disconnecting step includes destroying the passive components with a laser beam directed through openings in the housing.

However, the examiner is taking the office notice that, It is well known in the art to use the laser beam equipment to destroying the electrical part.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the invention of Killion by implementing a laser

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beam as claimed to destroying the unwanted electrical part is determined base on the designer's needs, so that the directional microphone system will be cheaper for the market demand.

Consider claim 4, Killion fails to teach that the disconnecting step includes destroying the passive components with a laser beam and the disconnecting step includes destroying electrical feed lines to the passive components to be disconnected.

However, It is well known in the art (official notice is taken) to use the laser beam or cutting tool equipment to destroying the electrical part.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the invention of Killion by implementing a laser beam or cutting tool as claimed to destroying the unwanted electrical part is determined base on the designer's needs, so that the directional microphone system will be cheaper for the market demand.

Consider claim 5 Killion teaches a microphone having a sensitivity stipulated within narrow limits, comprising:

- a housing (see fig. 4A)

- a microphone capsule (see fig.5 (20,30 microphone cartridge));

- an amplifier (160 in fig. 5); and

- a network of passive components (61A-61E) allocated to the amplifier, at least one of the passive components being disconnected (see col. 8 line 10-55); but Killion fails to teach the disconnection of the disconnected component occurs by destruction of an

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electrical feed line of the component by a laser beam directed through openings in the housing.

However, the examiner is taking the office notice that, It is well known in the art to use the laser beam equipment to destroying the electrical part.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the invention of Killion by implementing a laser beam as claimed to destroying the unwanted electrical part is determined base on the designer's needs, so that the directional microphone system will be cheaper for the market demand.

Consider claim 6 Killion teaches that the passive components are resistors (61A-61E and see col. 8 line 10-55).

Consider claim 2, it is a method claim corresponding to the apparatus claim 6. See previous rejection for apparatus claim 6 rejection.

Consider claim 8 Killion teaches that the passive component is at least one of a capacitive component (see fig.5 (72)) and an inductive component (see col. 8 line 10-55).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-2, 4-6 and 8-9 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gerome (US PAT. 5,278,385) is cited to show other related microphones with equal sensitivity.

10. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:



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**(571) 273-8300**

Hand-delivered responses should be brought to:

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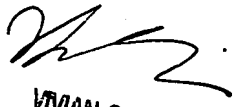
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See *L.S.*  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 10-01-2007

  
VIVIAN CHIN  
SUPERVISOR PATENT EXAMINER  
TECHNOLOGY CENTER 2600